

ORDER OF ADOPTION
BUREAU OF BARBERING AND COSMETOLOGY
PROPOSED REGULATORY CHANGES

Title 16, Division 9, California Code of Regulations

(1) Amend Section 974 as follows:

974. Schedule of Administrative Fines.

(a) An administrative fine may be assessed for the first, second, and third violations of the specified sections of the Business and Professions Code and Title 16 of Division 9 of the California Code of Regulations as follows:

Section	1st Violation	2nd Violation	3rd Violation	Correctable
*7317.....	500	750	1,000.....	Yes
7320.....	100	250	500.....	No
7320.1.....	100	250	500.....	No
7320.2.....	100	250	500.....	No
7336.....	25	50	150.....	No
7347.....	500	750	1,000.....	Yes
7348.....	25	50	150.....	Yes
*7349.....	500	750	1,000.....	No/Yes**
7349.1.....	25	50	150.....	Yes
7350.....	25	50	150.....	Yes
7351.....	25	50	150.....	Yes
7352.....	25	50	150.....	Yes
7358.....	25	50	150.....	Yes
*7359.....	500	750	1,000.....	No/Yes**
7360.....	25	50	150.....	Yes
904(d).....	50	150	300.....	No
905.....	25	50	150.....	Yes
920.....	25	50	150.....	Yes
965(a).....	25	50	150.....	Yes
965(b).....	25	50	150.....	Yes
965(c).....	25	50	150.....	Yes
978(a)(4).....	25	50	150.....	Yes
978(a)(5).....	25	50	150.....	Yes
978(a)(6).....	50	150	300.....	Yes
978(b).....	25	50	150.....	Yes
978(c).....	25	50	150.....	Yes
979(a).....	100	250	500.....	No
979(b).....	25	50	150.....	Yes
979(c).....	25	50	150.....	Yes
979(d).....	25	50	150.....	Yes

980(a)	25	50	150	Yes
980(b)	25	50	150	Yes
980.1	100	250	500	No
981(a)	25	50	150	Yes
981(b)	25	50	150	Yes
982	100	250	500	No
983(a)	25	50	150	Yes
983(b)	25	50	150	Yes
984	100	250	500	No
988(a)	25	50	150	No
988(b)	25	50	150	No
988(c)	25	50	150	No
988(d)	25	50	150	No
989	25	50	150	Yes
993	25	150	300	No
995(b)	25	150	300	Yes
995(c)	25	50	150	Yes
995(d)	25	150	300	Yes
995(e)	25	150	300	Yes

*Fines for these violations shall be assessed at one-half the established amount when the violation results from a licensee working with an expired license or when an establishment owner allows an employee (including booth renters/independent contractors) to work with an expired license.

**When this violation occurs as a result of an establishment owner allowing an employee (including booth renters/independent contractors) to work with an expired license, the fine for a first offense can be avoided as provided for in Section 7409 of the Business and Professions Code.

(b) A violation indicated in subdivision (a) as not correctable means that the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312 and 7407, Business and Professions Code. Reference: Sections 7406 and 7409, Business and Professions Code.

(2) Add Section 980.1 as follows:

980.1 Cleaning and Disinfecting Whirlpool Footspas.

(a) As used in this section, “whirlpool footspa” or “spa” is defined as any basin using circulating water.

(b) Before use upon each patron, each whirlpool footspa shall be cleaned and disinfected in the following manner:

(1) All water shall be drained and all debris shall be removed from the spa basin.

(2) The spa basin must be cleaned with soap or detergent and water.

(3) The spa basin must be disinfected with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to manufacturer's instructions.

(4) The spa basin must be wiped dry with a clean towel.

(c) At the end of each day, each whirlpool footspa shall be cleaned and disinfected in the following manner:

(1) The screen shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet shall be washed with soap or detergent and water.

(2) Before replacing the screen, one of the following procedures shall be performed:

(A) The screen shall be washed with a chlorine bleach solution of 1 teaspoon of 5% chlorine bleach to 1 gallon of water, or

(B) The screen shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions.

(3) The spa system shall be flushed with low sudsing soap and warm water for at least 10 minutes, after which the spa shall be rinsed and drained.

(d) Every other week (bi-weekly), after cleaning and disinfecting as provided in subsection (c) above, each whirlpool footspa shall be cleaned and disinfected in the following manner:

(1) The spa basin shall be filled completely with water and 1 teaspoon of 5% bleach for each 1 gallon of water.

(2) The spa system shall be flushed with the bleach and water solution for 5 to 10 minutes and allowed to sit for 6 to 10 hours.

(3) The spa system shall be drained and flushed with water before use upon a patron.

(e) A record shall be made of the date and time of each cleaning and disinfecting as required by subdivisions (c) and (d), and indicate whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting. Cleaning and disinfecting records shall be made available upon request by either a patron or a bureau representative.

(f) A violation of this section may result in an administrative fine and/or disciplinary action. Each footspa not in compliance with this section may result in a separate violation.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: 7312(e), Business and Professions Code.

Date _____

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